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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,835	03/31/2004	Gerd Forstmann	34874-095 UTIL	6488
64280 7590 01/21/2009 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER HASSAN, RASHEDUL				
ART UNIT		PAPER NUMBER		
2179				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/814,835

**Applicant(s)**

FORSTMANN ET AL.

**Examiner**

RASHEDUL HASSAN

**Art Unit**

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4-6, 8-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (WO 01/88703 A1) hereinafter Clark, in view of Kothari et al. (US 2004/0205707 A1) hereinafter Kothari and further in view of alSafadi et al. (US 2004/0003341 A1) hereinafter alSafadi.

For claims 1, 14 and 18, Clark teaches a system for generating a graphical user interface on a display device for aiding a user in using features of a software application, wherein the system performs the method comprising:

***receiving from a user a selection of a layout to be used in generating an informational display for presenting results of a data repository query, wherein the user selects the layout by selecting an existing informational display on which the informational display is to be based*** (e.g., Clark teaches a system and corresponding method for creating new or editing existing data collection applications using predefined software structure and preexisting templates. He teaches an integrated development environment for generating screens of data collection applications, and reports displaying results of data repository queries, from imported or preexisting screens and reports respectively. Both these "screens" and "reports" read on the claimed "informational display" and since the new screens and reports are generated from preexisting screens and reports respectively, it follows that the selection of a layout to be used in generating the new or modified screens and reports come from selecting an existing informational display. See Abstract, p4:21-30, p5:20-p6:28, Fig. 3

and accompanying discussion in p10:8-32, Fig. 10 and accompanying discussion in p14:14-p15:15, Fig. 22 and accompanying discussion in p18:14-p19:26);

***displaying to the user the at least one input field*** (e.g. input field labeled as "Enter Title" in Fig. 28) ***and an image of a sample informational display that is based on the selected layout*** (Report preview in Fig. 28), ***the at least one input field being displayed in association with at least one feature shown in the displayed sample image*** (e.g., according to one interpretation the limitation "association" can be interpreted as association by binding or interrelationship. According to such interpretation, the input field "Enter Title" that is being displayed is associated with the title feature displayed in the preview image since it is well understood that the change entered in the field is to be reflected in the preview image); ***and***

***receiving via the at least one input field user input to be used in modifying the at least one feature in the informational display*** (i.e., It is clearly understood by a person of ordinary skill in the art that once a user inputs the title in the input field labeled "Enter Title", the user input is used to modify the title of the generated report).

Clark however, fails to explicitly mention ***extracting, using a filter, at least one user-changeable code portion from the existing informational display by placing the at least one user-changeable code portion in a file, wherein at least one input field is bound, using an XPATH statement, to the extracted code portion, the filter recognizing the at least one user-changeable code portion from another code portion corresponding to a feature of the layout not changeable by the user, the file isolating the at least one user-changeable code portion from the other portion which is not changeable by the user, the user-changeable code portion***

***corresponding to at least one feature of the layout configured to allow changes by the user;***

That is, although Clark teaches using an existing informational display to create a new or modified informational display, he does not explicitly teach extracting user changeable code portions from the existing informational display using a filter and placing this user changeable code portion, which corresponds to at least one feature of the existing layout that can be changed by the user, in a separate file so that the user changeable code portion can be isolated from the other portion which is not changeable by the user. He also does not appear to explicitly teach wherein at least one input field is bound, using an XPATH statement, to the extracted code portion.

However, the concept of isolation a portion of user-changeable code from other portion that can not be changed by a user utilizing a filter is not considered novelty at the time of the invention. In the same field of invention, Kothari teaches a method for logically separating code and content of a program for display and editing with an integrated development environment (see Abstract). He teaches that to facilitate the development of disparate portions of a complex program, it would be useful to separate the code (e.g., actual source code of a programming language such as C++, C#, Visual Basic, etc., traditionally developed by a programmer) and content (e.g., visual aspects and markup of a program traditionally developed by a designer, such as the layout and graphics of a web page. See [0047]) to enable each portion to be developed and edited independently by the appropriate group of developers with the appropriate development tools (see [0048]). In order to achieve this, he additionally teaches ***extracting, using a filter*** (e.g., the directive parser, see [0056]), ***at least one user-changeable code***

**portion** (i.e., this "code portion" can be either the "code" or the "content" in the context of his invention since in the perspective of a programmer the user-changeable code portion is the "code" portion 650 as illustrated in Fig. 6, and in the perspective of a designer, the user-changeable code portion is the "content" portion 660 as illustrated in Fig. 6, see [0047] and [0053]) **from the existing information display** (e.g., from the existing program as illustrated in Fig. 6) **by placing the at least one user-changeable code portion** (e.g., either the code portion 650 or 660 in Fig. 6 illustrated separately in Fig. 7 or in Fig. 8 respectively) **in a file** (e.g., in respective buffer stored in a storage, see [0057]), **Wherein at least one input field** (e.g., input fields 312, 314, 316, 318, 319 in Fig. 3 or 912, 914, 916 etc in Fig. 9) **is bound to the extracted code portion** (e.g., he mentions, "The illustrated design controls 912, 914, 916, 918, and 919 correspond with the HTML mark-up of the program, shown in Fig. 8." See [0062]. That is the fields are bound to the HTML mark-up of the program since any changes made in the design view of Fig. 9 result in corresponding changes in the HTML mark-up of the program. See [0063]. Similarly he teaches that the input fields provided by the Email code builder 330 is used to customize the code based on user input, and thus provide the binding. See [0034]-[0035], [0039]-[0041]), **the filter recognizing the at least one user-changeable code portion from another code portion not changeable by the user** (e.g., the parser recognizing the "code" portion from the "content" portion. In the perspective of a designer, the "content" portion in the context of the reference is the "code portion changeable by the user" as claimed, and the "code" portion in the context of the reference is the "another portion not changeable by the user" as claimed, and vice versa in the perspective of a programmer). The

Examiner notes that the new amendment to the claim filed on 10/15/2008 additionally requires that "the another code portion" corresponds to a feature of the layout. In other words, the claim requires that the filter identifies a portion of layout information as user-changeable while identifying other portion of layout information as not user-changeable. In contrast, the exemplary embodiment described in Kothari reference identifies layout information as user-changeable and program code as not user-changeable. Nevertheless, the Examiner considers that based on the concept of filtering user-changeable code portion from non user-changeable code portion, it would have been obvious to a person skilled in the art at the time of the invention to apply a filter criteria to separate user changeable layout code portion from non user-changeable layout code portion if desired, as such modification is likely the result not of innovation but of ordinary skill and common sense.

Furthermore, Kothari additionally teaches, ***displaying to the user the at least one input field*** (e.g., input fields 312, 314, 316, 318, 319 in Fig. 3 or 912, 914, 916 etc in Fig. 9) ***and an image of a sample informational display that is based on the selected layout*** (e.g., HTML view 810 as illustrated in Fig. 8, or the design view 910 as illustrated in Fig. 9 can be interpreted as an image of a sample informational display that is based on the selected layout), ***the at least one input field being displayed in association with at least one feature shown in the displayed sample image*** (e.g., according to one interpretation the limitation "association" can be interpreted as association by binding or interrelationship. According to such interpretation, Kothari teaches this limitation. For instance, he teaches at least one input field being displayed, e.g., input field 912, in association with, i.e., being bound to, at least one feature, e.g.,



the corresponding code segment, shown in the displayed sample image, e.g., in the HTML view image 810); **and**

***receiving via the at least one input field user input to be used in modifying the at least one feature in the informational display*** (e.g., according to Kothari, a user can move and edit the controls in design view and thereby modify the look and feel of the program. See [0063]. He further mentions, "The illustrated design controls 912, 914, 916, 918, and 919 correspond with the HTML mark-up of the program, shown in Fig. 8." See [0062]. Therefore, it is apparent that the user input received via the at least one input field, e.g., 912, is used to modify the corresponding code segment in the program).

However, both Clark and Kothari do not explicitly teach using an XPATH statement for binding the at least one input field to the extracted code portion. But as discussed earlier, both Clark and Kothari teaches binding an input field of a form to a code portion. They do not teach using an XPATH statement for such binding. The Examiner considers the technique of using an XPATH statement for binding a field of a form with corresponding code segment to be well known in the art at the time of the invention. For instance, in alSafadi, Fig. 8 is an illustrative example of how an XPATH binding is realized for binding a UI input field to an XPATH expression (see also [0066] and [0067]). Thus, it would have been obvious to a person of ordinary skill in the art to utilize this well-known technique of using an XPATH statement for binding the form fields used in Clark and Kothari with corresponding code portions based on the teaching of alSafadi as such modification is likely the product of not novelty but of ordinary skill

and common sense and since W3C (World Wide Web Consortium) released XPATH as a recommendation for a path language to specify a certain part of an XML document.

For claim 4, Kothari teaches storing the separated code portions in respective separate text storages (see [0057]). Clark on the other hand briefly mentions using XML for storing existing reports when discussing about importing and editing an existing report using a guided process (see page 18 lines 25-33). Therefore, it would have been obvious to a person of ordinary skill in the art having Clark, Kothari, and alSafadi before him or her at the time of the invention **placing the extracted code portion** from the existing informational display in a text storage, such as **in an XML file that is to be modified using the user input, and subsequently using the XML file in creating the new informational display**. The motivation for using XML would have been to take advantage of XML's strict syntax and parsing requirements that makes parsing algorithms extremely simple, efficient and consistent, as well as to take advantage of its' hierarchical structure and platform-independence which is well known in the art and also because it makes common sense to include the extracted information from the existing informational display in a XML document since Clark uses XML document (e.g., the Report XML) to store information for the report being generated (see page 18, lines 25-33).

For claim 5, Clark, Kothari, and alSafadi in combination further teaches **wherein creating the informational display comprises adding non user-changeable code**

**portions to the XML file** (since, Kothari teaches merging back the separated code portions into a single composite file. See [0064] and [0067]).

For claim 6, Clark further teaches wherein ***the at least one input field and the displayed sample image are part of a guided process comprising multiple input fields and displayed sample images*** (since Clark teaches utilizing a wizard in his integrated development environment. See Fig. 22-28).

For claim 8, Clark, Kothari, and alSafadi in combination further teach ***wherein at least two of the multiple displayed sample images correspond to different configurations of the informational display*** (for instance, the preview sample image, "Report preview" as shown in Fig. 28 in Clark, naturally changes based on different configuration, for example, selection of different templates).

For claims 9 and 19, Clark further teaches ***wherein the user input is at least one selected from the group consisting of: selection of a title for the informational display*** (see Clark, input field labeled as "Enter Title" in Fig. 28), ***selection of the data repository query to be provided in the informational display*** (Clark, Fig. 27), ***selection of at least one filter value for filtering the results of the data repository query, and combinations thereof.***

For claim 10, Clark, Kothari, and alSafadi in combination further teach ***wherein the at least one input field is a drop-down list box with multiple user-selectable***

**inputs** (e.g., Kothari teaches using pull-down menus to provide selections obtained by the code builder interface. See [0041]).

For claims 11 and 20, Clark further teaches ***wherein displaying the input field in association with the feature comprises displaying the input field on top of the displayed sample image in close proximity to the feature*** (Fig. 28 shows the input field labeled "Enter Title" as displayed on top of the sample preview image and in close proximity to the "Title" feature).

For claim 12, Clark, Kothari, and alSafadi in combination further teach ***binding the at least one input field to a code portion in the informational display such that the user input can be used in modifying the at least one feature in the informational display*** (e.g., In Clark, the input field for entering title in Fig. 28 is bound to the code portion in the report display since the change made to the title using the input field modifies the title in the displayed report. Additionally, Kothari also teaches binding the input fields 312, 314, 316, 318, 319 in Fig. 3 or 912, 914, 916 etc in Fig. 9 to the respective code portions. He mentions, "The illustrated design controls 912, 914, 916, 918, and 919 correspond with the HTML mark-up of the program, shown in Fig. 8." See [0062]. That is the fields are bound to the HTML mark-up of the program since any changes made in the design view of Fig. 9 result in corresponding changes in the HTML mark-up of the program. See [0063]. Similarly he teaches that the input fields provided by the Email code builder 330 is used

to customize the code based on user input, and thus provide the binding. See [0034]-[0035], [0039]-[0041]).

For claims 13 and 17, it has already been pointed out in the rejection of claim 2 that Clark teaches binding the at least one input field to the code portion of the informational display. But, Clark does not teach that the binding comprises using an XPATH statement. However, it has been already pointed out in the rejection of claims 1 and 15 hereinabove that using an XPATH statement for binding would have been obvious in view of alSafadi. Clark also does not explicitly teach using the XPATH statement comprises generating a new node in the informational display if the new node is specified by the XPATH statement and does not yet exist in the informational display. This basically means adding additional features in the informational display that are not provided in the selected template but the user wishes to add. Kothari teaches adding additional features to the informational display. See [0063]. It would have been obvious to a person of ordinary skill in the art to modify Clark's teaching to provide this functionality in order to enhance flexibility in developing or modifying the informational display.

For claim 15, all the limitations recited in the claim are similar to the limitations recited in claims 1, 4, 6, 11 and 12. Therefore, this claim is rejected under the same rationale as recited in the rejections of claims 1, 4, 6, 11 and 12 hereinabove.

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark, Kothari, and alSafadi as applied to claims 6 and 15 respectively above, and further in view of Iremonger et al. (US 7,000182 B1) hereinafter Iremonger.

For claims 7 and 16, Clark and Kothari in combination do not explicitly teach ***wherein the guided process is selected from a plurality of guided processes based on the selected layout.*** However, Iremonger also teaches an assistant program and corresponding method for creation of layouts/reports for presenting results of a data repository query wherein he teaches that the guided process is selected from a plurality of guided processes based on the selected layout. For example, it is clearly understood by a person of ordinary skill in the art from considering the layout options presented on Fig. 9 that the guided process selected and interface screens presented to the user will differ based on whether the user chooses the layout as a "Columnar List/Report" or as a "Report with grouped data". In the event of user selecting the former layout, obviously the guided process will not display the dialog box for organizing records by category as shown in Fig. 12. However this dialog box will be displayed as part of the guided process when the user chooses the other layout option (see also column 8, lines 56-61). Therefore, it would have been obvious for a person of ordinary skill in the art to combine the teaching of Iremonger with that of Clark and Kothari in order to arrive at the present invention. The motivation for such combination would have been to ensure providing relevant guidance to the user necessitated by different layout selection by the user.

***Response to Arguments***

Applicant's arguments filed 10/15/2008 have been fully considered but they are not persuasive. Applicants have argued that Kothari nowhere discloses or suggest separating different types of content. See page 9 in Remarks. The Examiner notes that the new amendment to the claim filed on 10/15/2008 additionally requires that "the another code portion" corresponds to a feature of the layout. In other words, the claim requires that the filter identifies a portion of layout information as user-changeable while identifying other portion of layout information as not user-changeable. In contrast, the exemplary embodiment described in Kothari reference identifies layout information as user-changeable and program code as not user-changeable. Nevertheless, the Examiner considers that based on the concept of filtering user-changeable code portion from non user-changeable code portion, it would have been obvious to a person skilled in the art at the time of the invention to apply a filter criteria to separate user changeable layout code portion from non user-changeable layout code portion if desired, as such modification is likely the result not of innovation but of ordinary skill and common sense. Applicants further argued that neither Clark nor Kothari teaches using an XPATH statement for binding. See page 11 in Remarks. Applicant's arguments with respect to an XPATH statement for binding have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHEDUL HASSAN whose telephone number is (571)272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rashedul Hassan/  
Examiner, Art Unit 2179

/Weilun Lo/  
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